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Attorney Docket: 061069-0283750
Client Reference: SPO-2472

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:

Confirmation Number: 5520

IDE et al.

Application No.: 09/961,409

Group Art Unit: 2872

Filed: September 25, 2001

Examiner: Shafer, Ricky D.

Title: DEFORMABLE MIRROR HAVING DISPLACEMENT DETECTING
FUNCTION

July 25, 2005

- RESPONSE TO ELECTION OF SPECIES REQUIREMENT -

Mail Stop Non-Fee Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated June 29, 2005, Applicants hereby elect with traverse Species B, the control electrode and the capacitance detecting electrode configured separately in different layers, directed to claims 1-2, 4-8, 10-12, 18-19, 21, 22, 24-26 and 28-31. This election is made with *traverse*.

The Election of Species Requirement was made after the Office Action of October 6, 2004 and the Amendment of April 6, 2005 responding to the Office Action. The Amendment did not, in any way, introduce features or limitations that precipitated the species requirement.

Prior to the Office Action of October 6, 2004, the Examiner had ample opportunity to adequately search all the claims and it is presumed that the search and examination for the subject matter of any one invention and/or species encompassed the search and examination of the remaining invention and/or species.

For at least these reasons, Applicants respectfully request the reconsideration and withdrawal of the Election of Species Requirement.

Respectfully submitted,

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